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Volume 23 Number 31 The Militia of Molokai's Community Newspaper—Every Wednesday August 15, 2007

Ahaino Landownership Dispute Rages On



When is Judgment “Final” ?

The usually quiet east Molokai jungle valley named Ahaino located at about MP17 on coastal Kamehameha Hwy suddenly came alive with the roar of heavy machinery and voices of protest recently: The raging dispute over land ownership was again brought out of the corrupted court system onto the open battle field at the makai end of this ahupuaa just around a very sharp curve of the highway. Now there were trucks with excavating machines, chain saws and chippers, and lots of workers cutting trees and brush of the Ahaino jungle, loading the cuttings into trucks that carried it away, leaving only a small pile of wood chips baking under a sunlight that land had not seen for several years. Several police officers monitored the action, as Glenn Woo's crew expedited the work.

As the trucks and machines progressed, local residents in nearby houses appeared on the scene protesting that Woo and his crew were trespassing on their property, and working in a Conservation Zone without permits, and had no valid court order to enter the property under dispute in the federal court system. But police had already been convinced that Woo, who has made a claim on the land being cleared and said he also acted on behalf of other claimants, had documents proving his ownership, and so police tried to prevent four members of the Hanapi ohana and several supporters from interfering with the land clearing. Mili Hanapi, and her brother in law Chris Hanapi were detained and/or arrested for simple trespass, but later released.

Rose Hanapi gave an overview of the land dispute: “For 14 years we went through the state and federal courts to sue on our land commission award. Our award for Ahaino is dated March 13, 1853 and the Royal Patent is dated in 1860. The March 13, 1853 award is a prior award and no matter what the state or the private parties assert, we know their judgments are void and will always be void.

We are not foreclosed by a judgment in which the court that rendered it is without jurisdiction. The courts cannot readjudicate a land commission award long ago adjudicated. The Board of Commissioner's to Quiet Land Titles had original jurisdiction to award titles on March 13, 1853, the date of our award. Based on the evidence we have and our research into the precedent case laws in Hawaii, we know this land belongs to us, and nothing or no one is going to change my mind. We will continue to take our plight before the court's for as long as it takes to be heard.”

In court documents, Rose charges that the court intentionally, with reckless error, malice and discriminatory animus, conspired with the State, Chings, Boy Scouts, Galiher, Ono and others to deprive her of her property, liberty, right to petition the Hawaii courts for redress of grievance, right to introduce evidence of her legal title to her property, to call Witnesses and testify on her behalf, equal rights and protection of the laws, and disparaging her legally cognizable paper title to over one thousand acres contained in LCAw 4891.

The Defendants argue that the Mahale 10 document covers their land claim, that Rose's LCAw4891 is for only about 4 acres, and that she failed to file objections to their title claims on time over thirty years ago, therefore, legally the titles to ownership and judgment is finalized by decree.

[Note: Judgment is final here if you worship Lucifer, the god of Attorneys and Legislators. When the truth is known, and respected by all parties, the situation is pono and there is peace on this land. Then judgment is finalized. What we have here appears to be just another mess created by a juggernaut of corrupt attorneys issuing a Decree as if they are God, above the inalienable right to property protected by the Constitution for the United States of America.—The MAN]

NOTICE OF PUBLIC HEARING BOARD OF VARIANCES AND APPEALS

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Maui County Board of Variances and Appeals at the Department of Hawaiian Homelands, 600 Maunaloa Highway, Ste. D-1, Kaunakakai, Molokai, Hawaii, on Thursday, September 13, 2007, at 2:00 p.m., or as soon thereafter as those interested may be heard to consider the following requests pursuant to SECTION NO. 12-801-10(h) of the RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF VARIANCES AND APPEALS:

1. MUNEKIYO & HIRAGA, INC. representing COUNTY OF MAUI, DEPARTMENT OF FIRE AND PUBLIC SAFETY requesting a variance from Maui County Code, §19.31.020(B)(3) to allow a training tower to exceed the thirty-five (35) feet height limit by nine (9) feet for the proposed Kaunakakai Fire Station located off of Alanui Ka`Imi`Ike near its intersection with Kakalahale Street, Kaunakakai, Moloka`i, Hawai`i; TMK: (2) 5-3-003:015 (por.). (BVAV 20070008)
2. ARTHUR H. PARR, AIA of PARR & ASSOCIATES representing RICHARD and ELENA POLLACK requesting a variance from Maui County Code, §16.08.060(c) to allow a three-story single-family dwelling to exceed the two story height limit for property located at 3250 Kalua Koi Road, Kaluakoi, Molokai, Hawaii; TMK: (2) 5-1-006:062 (BVAV 20070011)

Information relative to the above applications are available for review at the Planning Department's office located at 250 South High Street, Wailuku, Maui, Hawaii.

Those persons requesting special accommodations, due to disabilities, please call the Maui Planning Department at 270-7253 (Maui) or 1-800-272-0117 (from Molokai) or 1-800-272-0125 (from Lanai), or notify the Maui Planning Department in writing at 250 South High Street, Wailuku, Maui, Hawaii 96793 or FAX Number 270-7634 at least ten business days before the scheduled meeting.

All testimony regarding the above request may be filed in writing or faxed to the Department of Planning by 4:30 p.m., at least two (2) days prior to the public hearing date, or may be presented by providing 15 copies of said written testimony at the time of the hearing.

BOARD OF VARIANCES AND APPEALS
By JEFFREY S. HUNT, AICP
Planning Director

Published in the Molokai Advertiser-News: August 15, 2007

In Fulfillment of Mother's Final Request

ShirleyAnn L. Oto

Aug 17,1950- July 16,2003



ShirleyAnn L.okelani Oto AKA "Baby Sweet" to her Kalilikane siblings, was a mother of 6 and grandmother of 5.

Over the years Shirley anxiously awaited for the birth of her first grand daughter, making special trips off island 5xs during the labor of each child with high hopes for a girl and although each birth brought about wonderful blessings, all five were boys. Shirley would constantly talk to her children about trying for a baby girl and her desire to pass down her family heirlooms to her grand daughter. The last birth of a grandchild she'd meet was on Dec.4, 2002 and once again it was a blessed boy.

Shirley passed on July 16, 2003. Shirley had prepared an envelope of treasures to be gifted to the parents of the first "granddaughter"

The envelope was secured for 4 years with Shirley's eldest daughter Shirley Burrows here on Molokai.

Finally in December of 2006 4yrs after her passing, her eldest son Richard Colipano announced to the family that his wife Shyla was expecting and although the sex was not determined it was assumed that it would be another boy. In February of 2007, after the ultrasound it was determined that the baby was a to be a "girl".

Although still leery, the family began preparations for the new addition. A new beginning--it became a must that everything would be brand new. No hand me downs and absolutely no used items for "our" baby girl. Baby was expected to arrive on July 9th.

In utero, baby was already showing sure signs of stubbornness when she held off for 4 days, being born @12:03pm on Friday the 13th of July. It was official -- the Colipano's new addition was a girl.

Kaua'i rained for 3 hours straight after the baby was born. Then in the blink of an eye it stopped and the sky was clear. Surely that was Shirley showering the baby with her tears of joy.

A surprise baby shower was pre-planned for the birth of the baby on Saturday July 14th with expectation of the birth occurring on the 9th. Family flew in from Molokai to meet baby and to present the envelope to the new parents of the first "granddaughter".

The Envelope:

The shower went as planned and after fun and games came the presentation of the envelope. New mommy Shyla opened the envelope 4 boxes and a letter.

The letter was hand written and dated May 6, 2003. It read:

"To my grand daughter,
If you are reading this, grandma is not here but we already met in Heaven. You will learn more about me through the family that are there with you, but I love you.
I know that I was loved too when I was on earth. My children showed their love to me by reminding me especially on special occasions. So in this envelope is a little bit of me from them.
If you're the daughter of ShirleyAnn or Suliana you will inherit their Hawaiian bracelets if not they will help you get your first one.To my children I am with you always, I love you and take care of each other.
Signed: ShirleyAnn L. Oto"

Along with the letter from Grandma a 14k gold plumeria pendant and necklace.
Box#1 Floral earrings from Suli for her Mom's birthday 8/17/99
Box#2 Rose broach from Richard & Shyla for Mother's Day 5/15/01
Box#3 A crystal pendant necklace from Richmond a momento item from her boat cruise which he took her on 6/19/99
Box#4 14k plumeria pendant from Shirley & Leonard for her wedding anniversary 2/14/00.

Shirley had 6 children , Shelly who is the 6th child never gave gifts she always bought fresh flowers for every occasion.
Richardson was the 3rd child he passed on 2/14/94

Kate-lynn 'Aikeponoheahauana'ao Eiko "Baby Sweet" Colipano

July 13, 2007, 12:03pm @ Wilcox Memorial Hospital
8lbs. 5oz 21"long
Born to Richard & Shyla Colipano of Wailua, Kauai
Grandparents:
The late, ShirleyAnn L. Oto & Richard B. Colipano Sr.
Paul Pomaikai & Lori Morikawa
Brothers: Kekoa,15, Kainoa, 13, and Ke'ali'I, 9



Story by Shirley Burrows

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Is Laau Just A Piece of Real Estate?

A cultural perspective

by Steve Morgan/ Hui Hoopakele Aina

The land of Laau is traditionally recognized as an extremely sacred area. The passion to protect such a place of this significance allows no room for a trade, bargain, or compromise, for to do so is desecration and dishonors the kupuna of the past. And it is for this reason that the protection of Laau by the Koa is not an option, it is an obligation.

The annual cycle that directed the course of the Hawaiian culture was determined by the natural and ceremonial events that occurred during the course of the Makahiki. The pani of the Makahiki, which was located at Laau, was extremely significant because it was the final ceremony of the Makahiki and contained within it its na'au, the mana of all of the previous ceremonies. The prayers given at the pani represented a culmination of the mana of the Kahuna that gathered and in this ceremony the Kahuna prayed for the blessing and wellbeing of both the people and the ʻāina of Molokai.

In today's time it is hard to understand the weight and significance of this ceremony, however, in the time past it was understood that the perpetuation of life rested on these prayers. To the people of old there was no false precept, they clearly understood that they were entirely dependant on Ke Akua for all of their resources. They also clearly understood that the malama of these resources was essential to their survival. It was not arbitrary that Laau was chosen as the sight of the pani. The kahuna of old knew and understood the significance of Laau. Even before the coming of Pa'āu from Tahiti in the 12th century, Laau was recognized as an extremely sacred area.

Also giving acknowledgment to the sacredness of Laau is the recognition of this area as Kula'iwi. (Place where the ancestors bones are buried) As noted by Hawaiian burials expert Hale Aloha Ayau, in the Hawaiian culture important burial sights were located at the far west or setting sun areas of each island, with the bodies placed in the fetal position. This symbolically represented that death was not the end but the beginning of the next life. Consequently, beneath the surface of this ʻāina of Laau potentially lie vast numbers of the ʻiwi (bones) of the kupuna of generations past, dating back more than a millennium. There is no single event that shows more disrespect or is more hurtful to the Hawaiian people than that of the desecration of the ancient burial sights of the kupuna. It is not just a matter of working around the 'Iwi or removing the ʻiwi, these areas were specifically chosen with sacred intent. To a modern nomadic culture it is hard to understand the sense of such connection and permanence that is understood by those whose ancestral lineage recognize this place as Kula'iwi.

Just as it would be inconceivable to tear down the Sixteen Chapel or the Western Temple wall in Jerusalem, likewise, it is just as inconceivable to pave over and develop the lands of Laau. Even the destruction of a small church, synagogue or mosque is something that most would consider unacceptable, regardless of ones own religious orientation. What is unique and probably the most difficult aspect to perceive by those outside of the Hawaiian culture is that the land itself is what is most sacred.

The metaphor that I have heard on several occasions refers to Laau as a child and the brothers and sisters of this child being Kaana, Kawakiu, Naiwa, and the other lands that will supposedly be saved under the Molokai Land Trust. We are told if we will sacrifice the child Laau and allow her to be molested and beaten to death, then we can keep the other children. Would anyone consider sacrificing one of their own children in such a way in order that the others would live? To those who possess the traditional knowledge of the Kupuna, the ʻāina is ohana, and this is why such a tradeoff will never be acceptable.

Hoi i ka Pono or Return to the Pono is the call that is being given at this time. The foundation of iHo'i i ka Pono is about setting into action a living model that will perpetuate pono in the spirit and life of the land and the people. The most common translation of pono is righteousness, however the word has many layers of meaning. One such understanding of pono is balance, a balance between God, Man, and the malama or stewardship of the land.

Although Hoi i ka Pono involves the purchase of Molokai Ranch lands, it is not about real estate. It is about a collective effort to manage our island resources. Under the traditional governing body of the Aha Kiolo, every district on the island would be involved and have a voice. And though Hoi i ka Pono represents a return to traditional Hawaiian values, it is not about segregation, it is about unity. Regardless of ethnic background we are of one ohana honua. All of us have important talents and gifts to contribute. Under this banner we will strive to see our lands returned and Laau as well as all of our culturally important areas permanently protected, and once again the people of Molokai will be restored to their rightful position as the caretakers of this island.

The book of Second Chronicles makes it clear that if we will seek to know Ke Akua and if we will humble ourselves, begin to pray and live in pono, our lands will be healed and restored. (2 Chronicles 7:14) In truth, this is how we will bring prosperity and abundance to our island. Our best laid plans can not match up to the success that would follow the practice of this basic understanding. At this time we must pule and ask Ke Akua to reveal to us a deep sense of this pono so that it may rest in our collective naau. Unified, Molokai is an unstoppable force!

Haule ka Lewa, Haule ka Lani, Hoale ka lepo popolo

A time will come when the alii will fall and be no more, but a time will come when the makaainana (commoner) will rise up and be restored

These prophetic words were spoken by the Kahuna of Pukui Heiau in the time of the alii Kahuumanu. As told by Kumu John Kaimikaua through the knowledge given to him by Kawahinekapuheleikapokane

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They recorded five albums together before Israel died in 1997.

de Mello writes, "A few years ago, listening to the music we had made, it came to me that I could hear him singing with a full orchestra - a rich sound, with depth, leaving space for his iconic voice."

"Israel had a message, and it is in his music. He wanted a human community without boundaries, where people everywhere took care of each other. That was his Wonderful World.

"Dis music," he said "is feelings dat goin' las' fo'eva."

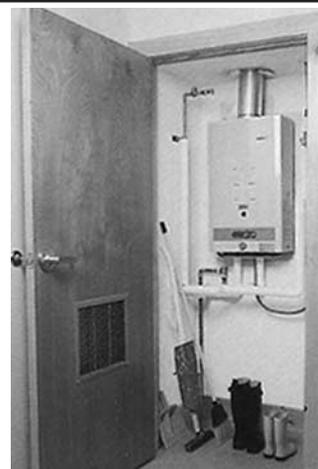
The album includes twelve songs: "What a Wonderful World," "Ama' Ama," "Henehene Kou 'Aka," "Twinkle Twinkle Little Star," "E Ku'u Morin Dew," "White Sandy Beach," "Kaleohano," "Ka Huila Wai," "Opae E," "Ke Alo O Iesu," "Ulili E," and "A Hawaiian Like Me."

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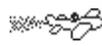
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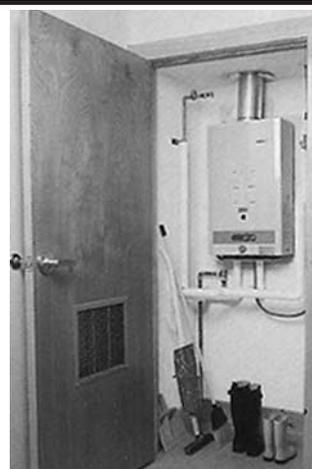
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